# Fron County Register

BY ELI D. AKE. IRONTON, - - MISSOURL

# CURRENT TOPICS.

The News in Brief.

DURING the session of Congress just terminated, 1,197 bills and joint resolutions were introduced in the Senate and 4,288 bills and joint resolutions in the House of Representatives. The number introduced during the first (or extra) session were, respectively, 778 and 2,526, making a grand total of 8,784 bills and joint resolutions introduced thus far during the present Congress. At the hour of adjournment, besides a great number of measures not yet reported from committees, there remained about 800 bills and joint resolutions on the Senate calendar and about 1,400 bills and joint resolutions on the House calendar (including some 900 pension and other private bills), which have been reported with committee recommendations for passage.

THE Cincinnati Enquirer of the 19th printed an extract from a personal letter to its editor from Horatio Seymour, in which the writer says: "I can not accept the nomination [for the Presidency] if it is made under any circumstances. I am not able to do the duties of any office. I hope my name will not be presented at Cincinnati in any way. I have never said I would accept a nomination, nor have I knewingly insinuated I would. I rely upon you to set me right with the delegates."

A LETTER from Samuel J. Tilden addressed to the delegates from New York State to the National Convention, was published on the 21st. In it Mr. Tilden announces his renunciation of the renomination for the Presidency, and expresses his determination to withdraw from party leadership and to seek the repose of private life.

On the last day of the session Mr. Windom presented the minority (Republican) report of the Exodus Committee. The report is signed by Messrs. Windom and Blair. They assert that they found no evidence whatever tending to sustain the charge that the Republican party or any of its leaders have been instrumental, either directly or indirectly, in encouraging the exodus of blacks from the South to the North, and attribute the cause of the exodus to a feeling of insecurity for life and property on the part of the negroes, a denial of their political rights as citizens, persecution for political reasons, a system of cheating by landlords and storekeepers, etc., etc.

BOTH houses of Congress adjourned sine die at noon on the 16th. All regular proval before the hour of adjournment, and consequently all became laws. A number of nominations failed to receive action and expired at the close of the session; among them that of John F. Hartranft as Collector of customs of Philadelphia.

THE Indiana Republican State Convention for the nomination of State officers was held at Indianapolis on the 17th. The following nominations were made: For Governor, Albert G. Porter, of Marion County; Lieutenant-Governor, Thomas Hanna, of Putnam; Judges of the Supreme Court-Third District, Byron K. Elliott; Fifth District, William A. Woods; Secretary of State, G. R. Hawn, of Washington; Auditer, Col. E. H. Wolf, of Rush; Treasurer, Col. Reswell S. Hill, of Clay; Attorney-General, Judge D. P. Baldwin, of Cass; Reporter of Supreme Court, Francis M. Dice. of Fountain; Clerk of Supreme Court, Daniel Boyce, of Tippecanoe; Superintendent of Public Instruction, Prof. J. M. Bloss, of Vanderburg.

THE Arkansas State Greenback Convention met at Little Rock on the 16th and nominated a State ticket as follows: For Governor, Wm. P. Parks, of Lafayette; Sec- Both were well known gamblers. retary of State, Charles E. Tobey, of Hope; Treasurer, Wm. A. Watson, of Washington; Auditor, Chas. E. Cunningham, of Pulaski; Land Commissioner, Wilshire Riley, of White; Superintendent of Instruction, Peter Brugman, of Pulaski; Chief-Justice, J. Calldavish, of Phillips; Chancery Clerk, W. T. Halleway, of White.

THE National Prohibition Convention was held at Cleveland, O., on the 17th. One hundred and forty-two delegates were present, representing twelve States, viz.: Ar-day of June. kansas, Connecticut, Iowa, Massachusetts, Michigan, Minnesota, New Jersey, New Yerk, Ohio, Pennsylvania, West Virginia and Wisconsin. Rev. Dr. Miner, of Boston, presided. For President, Neal Dow, of Vice-President, A. H. Thompson, of Wes- said more are about to come in. terville, Ohio.

THE Colorado State Greenback Convention met at Denver on the 18th and nominated Rev. A. J. Chittenden for Governor; Albert Campbell, Lieutenant-Governor; G. W. King, Secretary of State; John H. Pick. et, Treasurer; L. T. Hollingsworth, Attorney-General. Resolutions were adopted indorsing Kearney.

THE Supreme Court of Indiana has decided that the Constitutional amendment changing the time of holding the election for State officers in that State from October to November has not been legally ratified, inasmuch as it failed to receive a majority of the votes cast at the election at which it was voted upon. The opinion of the Court was rendered by Judge Biddle, Judges Hawk and Worden concurring, Judges Niblack and Scott dissenting.

FROM statistics furnished by the Department of Agriculture it appears that there has been an increase of seven per cent. in the acreage of cotton, the greatest increase being in the States of Texas and Tennessee. The condition of the crop is much better than last year, and a large yield is anticipated.

THE Department of Agriculture reslightly greater than last year. The condition of the crop is reported as remarkably No Indian depredations are reported from good, being rated at 94, which is four per cent. above last year. In Pennsylvania, Ohio, Indiana and Illinois the crop is un- ing. Gen. Hatch asked permission to follow usually healthy, and promises a very large him into Mexico, which should be granted. yield. Kansas is the only State which has as only a continued chase will subdue Vicbeen affected by drought, and there the yield terio, and it is thought no obstacles would

#### PERSONAL AND GENERAL

Porter, the actor, at Marshall, Texas, was cisco Valley. concluded on the 19th. The jury, after beof not guilty, on the ground of insanity. Money for Congressman. Currie is reported to have immediately left

the State. COL. DAVID L. PHILLIPS, Postmaster at Springfield, Ill., died on the 19th, aged fifty-seven years. Col. Phillips was formerly Journal, and was appointed by President Lincoln United States Marshal for the South-

ern District of Illinois. THE First National Bank of Brattleboro, Vt., offers \$5,000 reward for the arrest of President Waite. Later developments confirm previous reports of the utter failure of the bank, and, possibly, future developments may add to, rather than decrease, the liabilities, which are now placed

at about \$450,000. THE Irish members of Parliament have resolved to ask the English Government to double their proposed grant for the relief of Irish distress, and that \$300,000 be voted for the construction of fishery piers. Obstructive measures are threatened unless

the Government complies with the request. THE Dublin correspondent of the London Daily News telegraphs: There is no longer any doubt that the famine fever has appeared in some parts of the West and South of Ireland. A letter read in the Mansion-house Relief Committee from Charlestown, Mayo County, says famine fever of the most dangerous type is very prevalent and is making much progress. It has also appeared in Swenford, Mayo County, and Glengariff, Cork County.

GEN. JOHN A. SUTTER, the first discoverer of gold in California, died on the 19th at Washington, D. C.

THE population of Kansas City, according to the new census returns, is not

far from 54,000. THE village of Homouna, in the county of Zemplen, Hungary, has been destroyed by fire. Many inhabitants were burned and others injured. Famine having raged since the beginning of winter, the misery is indescribable.

A TERRIBLE storm and water-spout occurred near Dresden, Saxony, by which sixty persons are reported to have been

THE Boston and Albany Railroad Company has increased the wages of all employees 10 per cent., to take effect from June 1.

A FIRE at Batavia, N. Y., on the 19th, destroyed every building on the principal business street.

HARRISON, a well-known engraver of peing of United States legal tender notes.

JUDGE J. B. HOWELL, of Keokuk, Iowa, died on the 17th, aged sixty-four. He was at one time a newspaper man; then annual appropriation bills were signed by United States Senator, and for some years the President in time to announce their ap- past one of the Commissioners of Southern

GEN. ROCA, Minister of War, has been declared elected President of the Argentine Confederation. He was backed by the Government. It is expected that his opponent, Dr. Tejedos, Governor of the province of Buenos Ayres, will resist the installation of Gen. Roca, and possibly declare the secession of Buenos Avres from the confederation, which would lead to a civil war.

ROBERT DECURCIER, under sentence of death at Toronto, committed suicide by poison the day previous to the one fixed for

his execution. AT a meeting of the Leadville Miners' Union, held on the 17th, it was agreed to resume work at the terms on which they were employed previous to the strike, certain mine owners to recognize the eight-hour system in the future as heretofore, and givng pledges to use their influence to have that system generally adopted throughout

the camp. JUDGE SAMUEL B. GOOKINS, a well known jurist and writer, died of heart disease in Terre Haute, Ind., on the 14th.

AT Albuquerque, N. Mex., on the 15th, A. Young shot and killed Ed. Harris. GEN. GARFIELD had a public recep-

tion in Washington on the evening of the 16th. It was tendered by the National Veteran Association.

THE King of Greece is being most royally entertained in London.

On the 16th five tenant families were evicted near Balla, Ireland. At night they were conducted back to their holdings by a large and determined crowd. Snow fell in Minnesota on the 14th

It is reported from Fort Keogh that

500 of Sitting Bull's band, from the other side of the International boundary, have come in and surrendered to Lieut. Whistler-They represented that great numbers of In-Maine, was nominated by acclamation; for dians were in a starving condition. It is

THE Government has decided to denand from the Spanish Government an exnation of the recent firing on the Ameri can schooner Ethel A. Merritt, near the Cu. ban con t, by a Spanish man-of-war.

THE Ken tucky Democratic State Convention, held on the 17th, selected Henry Watterson, John Stevenson, Gen. Presten and Judge L. W. Nindsay as delegates at large to the Cincinnationvention. A resolution instructing the del vates to vote as a unit in the National Convertion was offered but subsequently withdrawn.

THE President has nominated . Com missioners to ratify the agreement with the Ute Indians, Geo. W. Manypenny, Ohis; Alfred B. Meacham, Washington; John B. Bowman, Kentucky; John J. Russell, Iowa, and Otto Mears, Colorado.

THE labor troubles at Denver and Leadville were reported over on the 15th, and no further excitement was anticipated.

A SANTA FE special to the Denver Tribune, 20th, says: Gen. Buell reports from Fort Wingate that on the 12th he had a council with head chiefs and many subchiefs and old men of the Navajo tribe. They acknowledged that some of their young men had been behaving badly, but denied having had a council with the Utes recently, and stated that if Capt. Bennett of the Ninth ports the acreage under winter wheat as Cavalry was given them as Agent, they would endeavor to restrain the young men. Southern New Mexico lately. Victorio's band is evidently in Chihuahua recuperat-

trails are being reported in Grant County. Capt. Kramer, with 150 men, left Fort THE trial of Carrie, the murderer of Bowie yesterday to scout in the San Fran-

THE Democrats of the Third Missising out fifteen minutes, returned a verdict sippi District have renominated Hon. H. D.

HON. BURWELL B. LEWIS, Representative in Congress from the Sixth Alabama District, has resigned.

THE Ohio State Board of Charities are investigating scandalous charges against one of the proprietors of the Illinois State the management of the Central Lunatic Asylum at Columbus.

COL. ALBERT J. MYER, Chief Signal Officer, has been promoted to the rank of Brigadier-General

THE Masonic and Odd Fellows' Building at Starkville, Miss., was burned on the 18th. The Southern Live Stock Journal office was completely destroyed. Total loss about \$50,000. Four men were crushed to death and

several others injured in the Yellow Jacket Mine at Gold Hill, Nev., on the 18th, by a carload of tools falling upon them from near the surface to the bottom. SAM. S. HOWARD was hanged at Bas.

trop, Tex., on the 18th, for the murder of Alexander Farmer in May, 1858. THE first honorary prize of the Berlin International Fishery Exhibition has been

Institution, Washington. The United States receives the gold medal and address. HANLAN was badly beaten by Ross in the Providence boat race, owing, as claimed

by him, to a stich in the side.

awarded to Prof. Baird of the Smithsonian

Boston celebrated the anniversary of Bunker Hill June 17, with great enthusiasm. A RECENT telegram says: A terrible scourge resembling dysentery is prevailing in Adams, Mass., which baffles the skill of physicians. Over 1,000 persons, old and young, have been stricken down. Physicians are busy night and day. Many cases are feared to be fatal. There is little doubt that the epidemic is occasioned by impurities of the water in the reservoir.

It is now known that the losses to the First National Bank of Brattleboro, Vt., caused by President Silas M. Waite's peculations and forgeries, will reach nearly \$250,-000. For several years he has bad practically unlimited control of the entire business of the bank, there being no Cashier and the Directors being mere figure-heads. Suits have been brought against the latter by the stockholders for dereliction of duty. A number of both stockholders and Directors are ruined, besides many depositors. Waite has probably either fled to Europe or else committed spicide.

MEMPHIS has completed twenty and half miles of sewerage, besides laying thirty miles of drain tiles upon the plan procounterfeit bank notes, has been arrested at posed by Col. Waring, consulting engineer Foronto. He surrendered five plates, two of the National Board of Health. So far about \$138,000 has been expended upon the works, and the entire system when completed will have cost \$250,000. There is good reason for believing that the works will be effective and secure to Memphis immunity from epidemic diseases.

### FORTY-SIXTH CONGRESS.

JUNE 16 .- Senate-A number of appointments were confirmed in executive session When the doors were reopened, Mr. Anthony adjourned without day.

## LATE NEWS ITEMS.

THE wife of Hade Brown, the condemned murderer, committed suicide at Kansas City, on the evening of the 21st, by shooting herself through the head. It was ascertained from a letter found upon her person that she had secretly conveyed poison to her husband in his cell, with the understanding that both should die together. Upon the officers going to Brown's cell he was seen to tear a piece of courtplaster from the sole of his foot and quickly put something into his mouth, which was rightly suspected to be poison. He was in stantly seized and choked before he could swallow the potion, which, when ejected proved to be arsenic. He raved like a madman at being foiled in his purpose. Mrs. Brown was most devotedly attached to her husband, She was only twenty-one years of age, and is said to have been an unusually handsome and amiable woman, with superior natural gifts. They had one child, a bright boy

three years of age. ANDREW PAULSON, a young blacksmith of Augusta, Kan., went up to Eldorado in company with Henry Clark and two Pearson brothers, for the purpose of having a good time. On their return home, all of the party being somewhat under the influence of liquor, they got into a quarrel which ended in Paulson's being fatally stabbed, dying soon after along the roadside. Clark surrendered himself; one of the Pearsons

was arrested, but the other fled. THE United States Distilling Company's brewery at Chicago was partially burned on the 21st. Loss about \$30,000; insurance, \$18,000. Daniel L. McCarthy and Pat Linder, employees, were fatally burned.

A BUENOS AYRES dispatch, dated 16, says: A revolution has broken out

and the city is besieged. A Dwa UQUE dispatch of the 21st says : The water a 1870. Work in the large facwater mark of . located near the river has tories and shops eds of people are now ceased, and hund. Trains on the river busy saving property. ning, and if the rise roads have stopped RIA e Illinois Central will not be able to send train

rircular saw THE balance-wheel of a . into three in a mill at Malakoff, Ont., burs fragments, one of which struck a ye named Fred. Watson, severing one breaking in his chest, exposing clearly respiratory and digestive organs. He gav a death groan and expired immediately.

THE R. E. Lee wharfboat at Arkansas City, Ark., burned on the morning of the 20th. The cargoes discharged by the steamers City of Vicksburg, Chas. Morgan, Commonwealth and Coahoma were totally de-

### MISSOURI STATE NEWS.

Powers of School Boards to Make Rules for the Government of Schools.

The following important decision has been rendered by Judge Napton of the Supreme Court, in the case of E. L. King vs. Jefferson City School Board:

The only question in this case is whether Rule 11, adopted and enforced by the Board of the Jefferson City School District, in the case of the plaintif's son, is a legal one.

The question arose on a demurrer to defendant's answer, which set up a breach of this rule by plaintif's son as a justification for his suspension. The Circuit Court sustained the demurer.

The Rule 11 is as follows:

tained the demurer.

The Rule 11 is as follows:

"Any pupil absent six half-days in four consecutive weeks, without satisfactory excuse, shall be suspended from school." The statute provides (kev. St. 1879, 67,045) that "the Board shall have the power to make all needful rules and regulations for the organization, grading and government of the school in their district." It is clear that the Legislature have entrusted to the School Board the duty of making regulations touching the government of the school, of the necessity and propriety of which they are primarily the district, and must be presumed to be conversant with the subject, and have no motive to make any rules except such as in their best to make any rules except such as in their best judgment are necessary and proper to promote the objects of our common school system. That the judiciary might intervene in case of rules, manifestly reaching beyond their sphere of action, and relating to subjects nowise connected with the management jects nowise connected with the management or successful operation of the school, was de-cided by this Court in Dritt vs. Snodgrass, 68 Mo. R., 286, and that the courts might inter-fere also in case where the rule was calculated to subvert or retard the leading object of our legislation on the subject, may be conceded. But I apprehend that the case should be a plain one.

It is said that occasional absences from school on the part of the pupil, or "truancy," as it is familiarly termed, is of no importance to any one except the pupil or his parents, and its indulgence is therefore not to be attended with such punishment as suspension or expulsion from school entirely—that every child has a right to go to the public school, and that right can not be taken away by a rule of the Board; that such rule is subversive of the object of our system of common schools. rule of the Board; that such rule is subversive of the object of our system of common schools, which was designed to throw open the door of the school to all children of the proper age and give them an opportunity of acquiring such education as will fit them for the afterduties of life. This is true; but this right of attending school necessarily requires, when the school is joined, and whilst such attendance continues, a submission to the regulations of the school. Suppose Rule II to be inverted and instead of reading as it now stands should read thus: "Any pupil is at liberty to go fishing during school hours, and be absent a half day or a whole day and as many days as he pleases, provided he conducts himself decently when in attendance on school." And this is the point to which the argument of the this is the point to which the argument of the plaintiff tends. The pupil, it is urged, is at liberty to be absent when he pleases, and such absence is a matter solely between him and his parents. But the studies in our public schools are, I presume, classified according to the ages and advancement of the scholars and the continued or repeated absence of one of the class not only is injurious to the ab-sentee, but if allowed beyond a certain point is calculated to demoralize those who attenand derange the orderly instructions of the

Taxes are not collected to pay teachers to truant pupils. Such absences, when without excuse, are the fault of the parents, whose business it is to see that the attendance of their child is regular, unless prevented by causes which will, of course, be an excuse under the reliable to their child.

der the rule now in question.

My opinion is that the rule in question was clearly within the power of the Board of Trusclearly within the power of the Board of Trus-tees and that it is not our business to survise its expediency, even if we might differ with the board on that point; but all the Judges are of the opinion that the rule was a reasonable and proper one. The judgment will there-fore be reversed and the case remanded. W. B. NAPTON.

Hon. H. Clay Ewing recently received a consignment of the Messina migratory quail, which have been liberated, some on the farm of Dr. McWorkman, eight miles west of Jefferson City; some on the farm of Mr. Ward, near Castle Rock; some in Callaway County, and the remainder on the Ewing farm. near Osage City. These birds were sent for by the sportsmen of Jefferson City as an experiment. They resemble somewhat the native Bob White, but are smaller, and have the reputation of being a fine game bird. They are said to be migratory, but will return each spring to their original location. Mr. Ewing calls on the community to keep watch over the new birds and prevent their molestation, so the experiment may be fairly tested, believing that they will prove a great addition to the game of the country if their

establishment here is successful. The Supreme Court, in the case of the State of Missouri, at the relation of the Attorney-General, against Wm. C. France and others, rendered a judgment of ouster against the defendants, and decided that the lottery franchise, commonly known as the Missouri State Lottery, had expired by limitation. This matter has been before the Courts since 1845. It is believed this will finally wind up the lottery business in Mis-

souri. George T. Hoagland, of St. Joseph, has do. nated a house and ten acres of land in the suburbs of the city, worth \$8,000, to the managers of the Home of the Friendless, to be

used as an Orphans' Home. During a recent storm at Rushville, Buchanan County, the house of Rufus Hinchman was blown down and his wife fatally hurt. Daniel O'Neil, a cutter in the boot and shoe manufactory of Eisecke, Mysenberg & Co., at the Penitentiary, Jefferson City, fell from the third-story window of the City Hotel to the sidewalk the other night and was instantly killed. He had recently been subject to attacks of bilious colic and fainting spells, and it is supposed that during one of these he arese from bed and going to the window fell out. Mr. O'Neil was a native of Ireland, was about thirty-four years of age and single. He was a tall, fine-looking man, a good workman, and of good habits.

Mr. Gerard S. Crane, a veteran of the Mexican War, died in St. Louis on the 14th. He was born in Newark, N. J., and was sixtyfive years of age. In the Mexican War he was a Sergeant in Company A, Third Missouri Mounted Volunteers, and served in the war in 1846, '47 and '48, with Doniphan, Price and Ralls. Since the close of that war he has been a resident of St. Louis.

The four synods of the Cumberland Presbyterian Church in Missouri, Kansas, Nebraska and Colorado, appointed an eiucational commission for the purpose of raising an endowment fund of \$100,000 for a college. The commission met in Clinton, Mo., the 24th of March last, and took the initiatory steps to inaugurate the work at once. The

work is already in progress. A proposition to issue \$6,000 in bonds to repair the Court-house at Marshfield was voted on by the people of Webster County, and was carried by a large majority.

PRETTY soon it will be needful to have a "color dictionary," for colors are growing numerous, and their names are as novel as the tints. "Waternixie" is a green which possesses the transparent hue of the waves before they are imbued with the detracting dullness of the waters near the shore. "Fabuleux" is an intense red. while "Austrian crackle" is a light orange-yellow; "clary" is a delicate straw-color, and 'oucherde-soleil' is an orange-red. nourette' is a blush pink, "Eastern

" a marigold bue, and "humellow deep peach. The champion perts". en dubbed "heliotrope." and int has b. of violet and mauve. s a mixture

#### A VETO MESSAGE.

WASHINGTON, June 15. President Hayes sent the following veto message to the Senate to-day:

After mature consideration of the bill entitled, "An act regulating the pay and appointment of Deputy Marshals," I am constrained to withhold from it my approval, and return it to the Senate, in which it originated, with my objections to its passage.

The laws now in force on the subject of the bill before me are contained in the following sections of the Revised Statutes:

"SEC. 2,621. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of 20,000 inhabitants or upwards, the Marshal for the district in which such city or town is situated shall, on application in writing of at least two citizens residing in such city or town, appoint special Deputy Marshals, whose duty it shall be, when required thereto, to aid and assist the Supervisors of Election in the verification of any list of persons who may have registered or voted, to attend in each election district or voting precinct at the times and places when and where registrations may by law be scrutinized and the names of registered voters be marked for challenge; and also attend at all times for hoiding elections the polis in such district or precinct.

voters be marked for challenge; and also attend at all times for holding elections the polls in such district or precinct.

"SEC. 2,022. The Marshal and his general Deputies shall keep the peace and support and protect the Supervisors of Election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and at the place of registration, or polling-place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without arrest and take into custedy, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited berein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any the laws of the United States; but no person shall be arrested without process for any offense net committed in the presence of the Marshal or his general or special Deputies, or either of them, or of the Supervisors of Election, or either of them; and for the purpose of arrest or preservation of the peace the Supervisors of Election shall, in the absence of the Marshal's Deputies, or if required to assist such Deputies, have the same duties and powers as Deputy Marshals; nor shall any person on the day of such election be arrested without process for any offense committed on the day of registration.

"SEC. 2.023. Whenever any arrest is made

SEC. 2,023. Whenever any arrest is made "SEC. 2,023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a Commissioner, Judge or Court of the United States for the examination of the offenses alleged, and such Commissioner, Judge or Court shall proceed in respect thereto as authorized by law in the case of crime against the United States.

"SEC. 2,024. The Marshal or his general Deputies, or such special Deputies as are there-

Deputies, or such special Deputies as are there-to specially empowered by him in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title or shall by violence, threats or menaces be prevented from execut-ing such duties, or from arresting any person who has committed any offense for which the Marshal or his general or special Deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid bystanders or a posse comitatus of his

"Sec. 2,028. No person shall be appointed a Supervisor of Election or Deputy Marshal under the preceding provisions who is not at the time of his appointment a qualified voter of the city, town, county, parish, election district or voting precinct in which his duties are to be performed.

to be performed.

"SEC. 5,521. If any person be appointed Supervisor of Election or special Deputy Marshal under the provisions of the title, 'The Elective Franchise,' and has taken an oath of office as such Supervisor of Election, or such special Deputy Marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office, with loss of all pay or emoluments, but shall be punished by imprisonment not less than six months nor more than one year, or by fine not less than ore than one year, or by fine not less than 00 and not more than \$500, or by both fine

"SEC. 5.522. Every person, whether with or without any authority, power or process, or pretended authority, power or process of any State. Territory, or municipality, who obstructs, hinders, assaults, or by bribes, solicitations, or otherwise interferes with or prevents Supervisors of Elections, or either of them, or the Marshal or his general or special Deputies, or either of them, in the performance of any duty required of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in execution of process or otherwise, or who, by any of the means before mentioned, hinders or prevents the free attendance or presence at such places of registration, or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing the votes cast thereat, or of making returns or certificates thereof of any Supervisor of Election, the Marshal, or his general or special Deputies, or either of them, or who threatens or attempts or offers so to do, or refuses or neglects to aid and assist any Supervisor of Election or Marshal or his general or special Deputies, or either of them, in the performance of his or their duties when required of him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two

performance of his or their duties when required of him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by fine of not more than \$3,000, or by both such fine and imprisonment, and shall pay the cost of prosecution."

The Supreme Court of the United States, in the recent case of ex-parte Siebolt and others, decided at the October term, 1872, on a question raised in a case as to the constitutionality of the sections of the Revised Statutes above quoted, and uses the following language:

"These portions of the Revised Statutes are taken from the act commonly known as the Enforcement act, approved May 31, 1870, and entitled 'An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes, and from the supplement to that act, approved February 28, 1871.

"They relate to elections of members of the House of Representatives, and were an assertion on the part of Congress of its power to pass laws for regulating and superintending said elections, and for securing the purity thereof and the rights of citizens to vote thereat peaceably and without molestation. It must be conceded to be a most important power and of a fundamental character. In the light of recent history and of the violence, fruud, corruption and irregularity which have frequently prevailed at such elections, it may easily be conceived that the exertion of power, if it exists, may be necessary to the stability of our form of government.

"The greatest difficulty in coming to a just conclusion arises from mistaken notions with regard to the relations which subsist between the State and National Governments. It seems to be often overlooked that a National Constitution has been adopted in this country, establishing a real Government in reference to the proper solver the restriction of the mature of this Government is conceded, no real difficulty will arise in the just

the other.

"The true doctrine, as we conceive, is this: that while States are really sovereign as to all matters which have not been granted to the jurisdiction and control of the United States, the Constitution and Constitutional laws of the latter are, as we have already said, the supreme law of the land, and when they conflict with the laws of States they are of paramount authority and obligation. This is the fundamental principle on which the authority of the Constitution is based, and, unless it be conceded in practice as well as theory, the fabric of our institutions, as it was contemplated by its founder., cannot stand. The questions involved have respect not more to the automotary

the State of the United St

"Why do we have Marshals at all, if they cannot physically lay hands on persons and 'things in the performance of their proper duties? What functions can they perform if they cannot use force? In executing the process of courts, must they call on the nearest Constable for protection? Must they rely on him to use requisite compulsion and to keep the peace while they are soliciting and entreating the parties and bystanders to allow the law to take its course? This is the necessary couse-quence of the position assumed. If we indulge in such impracticable views as these, and keep on refining and rerefining, we shall drive the National Government out of the United States and relegate it to the District of Columbia, or perhaps to some foreign soil. We shall bring it back to a condition of greater, helplessness than that of the old Confederation. The argument is based on the strained and impracticable view of the nature and power of the National Government. It must execute its powers, or it is no Government. It must execute its powers, or it is no Government. It must execute its powers, or it is no Government. It must execute its powers, or it is no Government. It must execute its powers, or it is no Government. It must execute its powers, or it is no Government. It must necessarily have the power to command obedience, preserve order, and keep the peace, and no person or power in this land has the right to resist or question its authority so long as it keeps within the bounds of its jurisdiction."

I have deemed it fitting and proper to quote thus largely from an important and cluborate opinion of the Supreme Court, because the bill before me proceeds upon a construction of the Constitution as to the powers of the National Government, which is in direct conflict with the judgment of the highest judicial tribunal of our country.

Government, which is in direct conflict with the judgment of the highest judicial tribunal of our country.

Under the sections of the present law shove quoted officers of the United States are autorized, and it is their duty, in case of Congressional elections, to keep the peace at the poles and places of registration, to arrest immediately any person who is guilty of crime against the United States Election laws, and to protect all officers of election in the performance of their duties, and, whenever an arrest is made, to bring the person so arrested before a Commissioner, Judge, or Court of the United States for examination of the offenses alleged against him. Such special Deputy Marshals as are specially empowered thereto by the Marshals in writing, "If forcibly resisted may call to their aid the bystanders or posse comitatatus." It is made a crime punishable with fine or imprisonment to hinder, assault, or other see interfere with a Marshal or his special Deputies, or to threaten or to attempt to do so. If any person appointed such special Deputy Marshal has taken the onth of office and thereafter neglects or refuses to fully discharge the duties of such office, but by fine and imprisonment. The functions of special Deputy Marshals non-provided for by law, being executive, they are placed under the authority of the well-known chief executive officer of the Courts of the United States. They are in fact, not merely in name, the Deputies of the Marshal, but he and his bondsmen They are in fact, not merely in name, the Deputies of the Marshal, but he and his bondsmen are responsible for them. A civil force for the execution of the law is thus instituted in accordance with long-established and familiar usage, which is simple, effective and under a responsible head.

The necessity for the possession of these powers by appropriate officers will not be called in question by intelligent citizens, who called in question by intelligent citizens, who appreciate the importance of a peaceable, or derly and lawful election. Similar powers are conferred and exercised under the State laws with respect to State elections. The executive officers of the United States under the existing laws have no other or greater power to supervise and control the conduct of Congressional elections than the State executive officers exercise in regard to State elections.

The bill before me changes completely the present law by substituting for special Deputy Marshals of the existing statutes new officers bitherto unknown to the law, and who lack the power, responsibility and protection which are essential to enable them to act efficiently as executive officers. as executive officers.

The bill under consideration is as follows:

"SECTION 1. Fixes the pay of Deputy Mar-

"SEC. 2. That all Deputy Marshals to serve in reference to any election shall be appointed by the Circuit Court of the United States for form their duties in each year, and the Judges of the several Circuit Courts of the United States are hereby authorized to open their respective courts at any time for that purpose, and in case the Circuit Courts shall not be open for that purpose for at least ten days prior to registration, if there be one, or if no registration be required, then at least ten days before the election, the Judges of the District Courts of the United States are hereby respectively authorized to cause their least ten days before the election, the Judges of the District Courts of the United States are hereby respectively authorized to cause their courts to be opened for the purpose of appointing such Deputy Marshais, who shall be appointed by said District Courts, and the officers so appointed shall be in equal numbers from the different political parties, and shall be well-known citizons of good moral character, and actual residents of the voting precinc's in which their duties are to be performed, and shall not be candidates for any office at such election; and all laws and parts of laws inconsistent with this act are hereby repealed; provided, that Marshals of the United States for whom Deputies shall be appointed by the Court under this act shall not be liable for any of the acts of such Deputies."

It will be observed that the Deputy Marshals proposed by the bill before me are distinctly different officers from the Special Deputies of the Marshal as such officers are now provided for in the Statutes. This bill does not connect the new officers with existing laws relating to Special Deput, Marshals to Special Deput, Marshals to Special Deput, Marshals as Special Deput, Marshals to Special Deput, Marshals as Special Deput, Marshals to Special Deput, Marshals as Special D

the Marshal as such officers are now provided for in the Statutes. This bill does not connect the new officers with existing laws relating to Special Deputy Marshals, so as to invest the proposed Deputy Marshals with the same powers, to impose upon them the same duties, and to give them the same protection by means of criminal laws. When new officers are created distinct in character and appointed by different authority, although similar in name to the officers already provided for, such new officers are not held by similar responsibilities to the criminal law, do not possess the same powers, and are not similarly protected unless it is expressly so provided by legislation. The so called Deputy Marshals provided for in this bill will have no executive head. The Marshal can neither appoint nor remove them. He cannot control them, and he is not responsible for them. They will have no authority to call to their aid if resisted the posse comitatus. They are protected by no criminal statutes in the performance of their duties. An assault upon one of these Deputies with intent to prevent a lawful election will be no more than an ordinary assault upon any other citizer. They cannot keen the presse There

the Courts of the United States, and that I am in favor of appointing officers to supervise and protect elections without regard to party. But the bill before me, while it recognizes the power and duty of the United States to provide officers to guard and scrutinize Congressional elections, fails to adapt its provisions to existing laws so as to secure efficient supervision and protection. It is therefore returned to the Senate, in which it originated, for that further consideration which is contemplated by the Constitution.

REPRESENTED ASSESSED.